APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,878	04/20/2004	Yasuhiko Uchida	ITECP015	5596

25920   7590   10/01/2009
MARTINE PENILLA & GENCARELLA, LLP
710 LAKEWAY DRIVE
SUITE 200
SUNNYVALE, CA 94085

EXAMINER
BECKLEY, JONATHAN R

ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
10/01/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

		Application No.	Applicant(s)
Office Action Summary		10/828,878	UCHIDA ET AL.
		Examiner	Art Unit	
		JONATHAN R. BECKLEY	2625	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>18 June 2009</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,6-8,10,11,13-16 and 18</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,6-8,10,11,13-16 and 18</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>20 April 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>01/19/2006 and 04/21/2008</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 06/18/2009 have been fully considered but they are
not persuasive.

        With respect to the applicant's remarks regarding the amended independent
claims 1 and 11 that the prior art of record does not disclose inserting several
illustrations in an order of selection of the illustrations when the several illustrations are
selected, has been fully considered by the examiner. However the examiner disagrees
an understands Fukui combined with Nojima teaches the disclosure of "wherein, when
multiple built-in images are selected by said built-in image selection module, said image
integration module integrates the selected multiple built-in images into the at least one
image integration area of the selected template in an order of selection of the multiple
built-in image and in the priority order set by said priority order setting module."

        In reply: The applicant's remarks are directed toward Nojima not disclosing the
amended limitations of multiple images being selected. However, the examiner does
not rely on Nojima to disclose this limitation. The examiner relies on the main primary
reference of Fukui to disclose multiple images in both disclosure and illustrations. Fukui
with or without the combination of Nojima discloses "wherein, when multiple built-in
images are selected by said built-in image selection module, said image integration
module integrates the selected multiple built-in images into the at least one image
integration area of the selected template in an order of selection of the multiple built-in

image and in the priority order set by said priority order setting module." Fukui

discloses and illustrates the selection of multiple images which are designated in an

order or placement by the user. The method/apparatus of Fukui then takes all

document elements selected and attributes of the elements (size, priority, order, etc.)

and places the elements into the layout area of the page. (Column 5, lines 14-60).

Therefore, at least for the reasons provided above claims 1, 6-8, 10-11, 13-16 and 18

respectfully stand rejected under 35 U.S.C. 103(a) as being unpatentable over

obviousness by Fukui et al (US Patent 5,517,621), "Fukui", in further view of Nojima et

al. (US Patent 5,930,811), "Nojima".

In view of the amendments made which alter the scope of the limitations of the

independent claims and in view of the maintaining the same rejection, this action is

made Final.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   **Claims 1, 6-8, 10-11, 13-16 and 18** are **rejected** under **35 U.S.C. 103(a)** as being unpatentable over obviousness by **Fukui et al (US Patent 5,517,621), "Fukui", in further view of Nojima et al. (US Patent 5,930,811), "Nojima".**

3.   Regarding **Claim 1, Fukui** teaches a print job creation apparatus **(document formatting apparatus)** that creates a print job **(document, Column 1, lines 9-11; Column 3, lines 33-35),** which includes layout **(formatted/ to be laid out)** of at least one image **(document data / text data / figure data)** in a template **(specified format)** having at least one image integration area **(region)** to integrate **(to be laid out)** an image therein **(Column 1, lines 13-17 and lines 53-63),** said print job creation apparatus comprising:

a print service selection module **(operator selection input unit)** that selects one print service among multiple print service options, in response to a user's operation **(Column 4, lines 44-63);** and

a template storage module **(region data memory unit)** that stores available templates corresponding to each of the multiple print service options, the templates being prepared by combining an original template image, which has no image integration area **(Noted: the original image of the current application is understood by the Examiner as a blank page which defines the original page parameters of the size and position used to create a template and document. This is met by the original user's input selection which includes information on the position and size of a page taught by Fukui),** with at least one area display image **(frame for laying out the document data),** which defines the at least one image integration area

**(Column 3, lines 36-39; Column 3, lines 66 - Column 4, lines 13; and Column 5,
lines 14-30)**;

a template selection module **(candidate selection control unit)** that displays a
list of available templates corresponding to a print service selected by said print service
selection module, among all the templates stored in said template storage module, to
allow selection of a desired template, and selects a template in response to the user's
template selection instruction **(Column lines 27-60)**;

a priority order setting module **(candidate order determination unit)** that sets a
priority order of at least one image integration area included in the selected template
based on an arrangement of the at least one image integration area defined by the area
display image **(Column 8, lines 54 – Column 9, lines 18; and See Figures 19 and
Figures 20)**;

a built-in image selection module **(process module which identifies a
referencing phrase / candidate selection control unit)** that selects at least one
image as a built-in image to be integrated into the selected template, in response to the
user's image selection instruction **(Column 5, lines 39-44)**; and

an image integration module **(candidate layout generation unit)** that integrates
the at least one selected built-in image into the at least one image integration area of
the selected template in the priority order set by said priority order setting module, in
response to the user's image integration instruction **(Column 4, lines 18-37)**,

wherein, when multiple built-in images are selected by said built-in image
selection module, said image integration module integrates the selected multiple built-in

images into the at least one image integration area of the selected template in an order

of selection of the multiple built-in image and in the priority order set by said priority

order setting module **(Column 5, lines 14-60; See Figures 17 and 19; Noted: the**

frames are selected and ordered, then positioned accordingly by the generation

units. Though the examples of Fukui describes text frames/segments, it is

understood that the invention of Fukui is directed towards documents elements

to be selected and placed in the same manner being images, figures, text, etc. A

text/sentence frame is to be understood in the same contents of a selected image

or figure.).

　　　　Fukui does not directly teach a print job creation apparatus comprising:

　　　　a print service selection module that selects one print service among multiple

print service options, in response to a user's operation.

　　　　Fukui combined with Nojima does teach a print job creation apparatus that

creates a print job, which includes layout of at least one image in a template having at

least one image integration area to integrate an image therein, said print job creation

apparatus comprising:

　　　　a print service selection module that selects one print service among multiple

print service options, in response to a user's operation **(creating a postcard is**

selected from a display screen; Column 3, lines 19-34; and Column 6, lines 54 –

Column 7, lines 6); and

　　　　a template storage module that stores available templates corresponding to each

of the multiple print service options, the templates being prepared by combining an

original template image, which has no image integration area, with at least one area

display image, which defines the at least one image integration area **(Column 4,lines**

30-36; and Column 7, lines 14-17);

   a template selection module that displays a list of available templates

corresponding to a print service selected by said print service selection module, among

all the templates stored in said template storage module, to allow selection of a desired

template, and selects a template in response to the user's template selection instruction

(Column 4, lines 37-48; and See Figure 3);

   a priority order setting module that sets a priority order of at least one image

integration area included in the selected template based on an arrangement of the at

least one image integration area defined by the area display image **(Column 7, lines**

25-48);

   a built-in image selection module that selects at least one image as a built-in

image to be integrated into the selected template, in response to the user's image

selection instruction **(Column 4, lines 37-48)**; and

   an image integration module that integrates the at least one selected built-in

image into the at least one image integration area of the selected template in the priority

order set by said priority order setting module, in response to the user's image

integration instruction **(Column 4, lines 37-48)**.

   Fukui and Nojima are combinable because they are both from the same art of

methods and apparatuses which create and process documents in accordance with a

user's selections in a variety of options.

Therefore, it would have been obvious to one skilled in the art to modify Fukui with the teachings of Nojima at the time of the invention, so to provide a document processing apparatus in which, in the processing of producing document data by inserting parts into a layout for a postcard or any other card and outputting the resultant data, the manipulation for selecting a layout and inserting a part into the selected layout is simplified, and information can be discerned on a display screen, and thus document data of any layout can be processed easily and shortly (see SUMMARY).

Claim 2, CANCELED.

Claim 3, CANCELED.

Claim 4, CANCELED.

Claim 5, CANCELED.

Regarding **Claim 6, Fukui** disclose wherein the area display image is used to set a transparent area corresponding to the image integration area in the original template image **(Column 5, lines 14-30; Noted: the region data includes certain areas according to where images are to be placed which are transparent in nature to the invention, see figures 3 and 5)**.

Regarding **Claim 7, Fukui** disclose wherein the area display image is a one-pixel-one-bit image having one-bit information for each one pixel, which represents either a bit-on or a bit-off to show inclusion into or exclusion from an image integration area **(It is understood and obvious at the time of the invention was made that when images to be displayed are generated by a computed, processor, or apparatus of the kind, that in order to do so, one would be using the teachings and knowledge of binary images on a computer so to produce a bit-on or bit-off)** .

Regarding **Claim 8, Fukui** disclose, said print job creation apparatus.

Fukui does not disclose said print job creation apparatus further comprising:

an image replacement module that, in response to the user's selection of one image integration area in the template with a built-in image currently placed therein by said image integration module and an image to be newly integrated into the selected image integration area, replaces the built-in image currently placed in the selected image integration area with the selected image **(Column 4, lines 57-64; Column 5, lines 5-11; and Column 9, lines 10-50)**.

Fukui combined with Nojima discloses said print job creation apparatus further comprising:

an image replacement module that, in response to the user's selection of one image integration area in the template with a built-in image currently placed therein by said image integration module and an image to be newly integrated into the selected image integration area, replaces the built-in image currently placed in the selected

image integration area with the selected image **(Column 4, lines 57-64; Column 5, lines 5-11; and Column 9, lines 10-50)**.

Fukui and Nojima are combinable because they are both from the same art of methods and apparatuses which create and process documents in accordance with a user's selections in a variety of options.

Therefore, it would have been obvious to one skilled in the art to modify Fukui with the teachings of Nojima at the time of the invention, so to provide the invention of Fukui a wider variety of document elements to use within the invention and document generation process; and further provided more possibilities when displaying the options to a user. (Column 4, lines 57-64; Column 9, lines 5-10)

Claim 9, CANCELED.

Regarding **Claim 10 Fukui** disclose, said print job creation apparatus.

Fukui does not disclose said print job creation apparatus further comprising:

wherein the multiple print services include at least one of an enlargement printing service, a digest printing service, a calendar printing service, a postcard printing service, a photo name card printing service, an ID photograph printing service, a seal printing service, a label printing service, and an album printing service.

Fukui combined with Nojima discloses said print job creation apparatus further comprising:

wherein the multiple print services include at least one of an enlargement printing service, a digest printing service, a calendar printing service, a postcard printing service, a photo name card printing service, an ID photograph printing service, a seal printing service, a label printing service, and an album printing service **(Column 3, lines 19-34; and Column 6, lines 54 – Column 7, lines 6)**.

Fukui and Nojima are combinable because they are both from the same art of methods and apparatuses which create and process documents in accordance with a user's selections in a variety of options.

Therefore, it would have been obvious to one skilled in the art to modify Fukui with the teachings of Nojima at the time of the invention, so to provide various kinds of processing from a menu displayed the apparatus of Fukui (Column 3, lines 19-35)

Regarding **Claim 14, Fukui** disclose wherein said priority order setting module sets the priority order of the at least one image integration area according to a positional sequence of an upper end of each image integration area in the selected template **(See Figures 3, 10A – 10B, 11A – 11C, 17A – 17B, 19, 20 and 8; Column 8, lines 28 – Column 9, lines 18)**.

Regarding **Claim 15, Fukui** disclose wherein said priority order setting module sets the priority order of the at least one image integration area according to a positional sequence of a left end of each image integration area in the selected template **(See Figures 3, 10A – 10B, 11A – 11C, 17A – 17B, 19, 20 and 8; Column 8, lines 28 –**

Column 9, lines 18).

   Claim 17, CANCELED.

   Regarding **Claim 18, Fukui** disclose, further comprising a priority order display

module that displays the priority order set by said priority order setting module in the at

least one image integration area **(See Figures 19; Column 8, lines 28 – Column 9,**

lines 18.).

4.   Regarding **Claim 11, Fukui** teaches a print job creation method that creates a

print job **(document, Column 1, lines 9-11; Column 3, lines 33-35)**, which includes

layout **(formatted/ to be laid out)** of at least one image **(document data / text data /**

figure data) in a template **(specified format)** having least one image integration

area **(region)** to integrate **(to be laid out)** an image therein **(Column 1, lines 13-17**

and lines 53-63), said print job creation method comprising the steps of:

   (a) selecting one print service among multiple print service options, in response

to a user's operation **(operator selection input unit, Column 4, lines 44-63)**;

   (b) displaying a list of available templates corresponding to a print service

selected in said step (a) to allow selection of a desired template **(candidate selection**

control unit; Column lines 27-60), among all templates stored in a template storage

module **(region data memory unit)**, that stores available templates corresponding to

each of the multiple print service options, the templates being prepared by combining an original template image, which has no image integration area **(Noted: the original image of the current application is understood by the Examiner as a blank page which defines the original page parameters of the size and position used to create a template and document. This is met by the original user's input selection which includes information on the position and size of a page taught by Fukui)**, with at least one area display image **(frame for laying out the document data)**, which defines the at least one image integration area **(Column 3, lines 36-39; Column 3, lines 66 - Column 4, lines 13; and Column 5, lines 14-30)**, with at least one area display image, which defines the at least one image integration area, and selecting a template in response to the user's template selection instruction **(Column lines 27-60)**;

(c) setting a priority order of at least one image integration area included in the selected template, based on an arrangement of the at least one image integration area defined by the area display image **(candidate order determination unit; Column 8, lines 54 – Column 9, lines 18; and See Figures 19 and Figures 20)**;;

(d) selecting at least one image as a built-in image to be integrated into the selected template, in response to the user's image selection instruction **(process module which identifies a referencing phrase / candidate selection control unit; Column 5, lines 39-44)**; and

(e) integrating the at least one selected built-in image into the at least one image integration area of the selected template in the priority order set in said step (c), in

response to the user's image integration instruction **(candidate layout generation unit; Column 4, lines 18-37)**,

wherein, when multiple built-in images are selected in said step (d), said step (e) integrates the selected multiple built-in images into the at least one image integration area of the selected template in an order of selection of the multiple built-in image and in the priority order set in said step (c). **(Column 5, lines 14-60; See Figures 17 and 19; Noted: the frames are selected and ordered, then positioned accordingly by the generation units. Though the examples of Fukui describes text frames/segments, it is understood that the invention of Fukui is directed towards documents elements to be selected and placed in the same manner being images, figures, text, etc. A text/sentence frame is to be understood in the same contents of a selected image or figure.).**

Fukui does not directly teach a print job creation apparatus comprising:

a print job creation method comprising the steps of:

(a) selecting one print service among multiple print service options, in response to a user's operation.

Fukui combined with Nojima does teach a print job creation method that creates a print job, which includes layout of at least one image in a template having at least one image integration area to integrate an image therein, said print job creation method comprising the steps of:

(a) selecting one print service among multiple print service options, in response to a user's operation **(creating a postcard is selected from a display screen; Column 3, lines 19-34; and Column 6, lines 54 – Column 7, lines 6)**;

(b) displaying a list of available templates corresponding to a print service selected in said step (a) to allow selection of a desired template **(Column 4, lines 37-48; and See Figure 3)**, among all templates stored in a template storage module, that stores available templates corresponding to each of the multiple print service options, the templates being prepared by combining an original template image, which has no image integration area, with at least one area display image , which defines the at least one image integration area, with at least one area display image, which defines the at least one image integration area**(Column 4,lines 30-36; and Column 7, lines 14-17)**, and selecting a template in response to the user's template selection instruction **(Column 4, lines 37-48; and See Figure 3)**;

 (c) setting a priority order of at least one image integration area included in the selected template, based on an arrangement of the at least one image integration area defined by the area display image **(Column 7, lines 25-48)**;

(d) selecting at least one image as a built-in image to be integrated into the selected template, in response to the user's image selection instruction **(Column 4, lines 37-48)**; and

(e) integrating the at least one selected built-in image into the at least one image integration area of the selected template in the priority order set in said step (c), in response to the user's image integration instruction **(Column 4, lines 37-48)**.

Fukui and Nojima are combinable because they are both from the same art of methods and apparatuses which create and process documents in accordance with a user's selections in a variety of options.

Therefore, it would have been obvious to one skilled in the art to modify Fukui with the teachings of Nojima at the time of the invention, so to provide a document processing apparatus in which, in the processing of producing document data by inserting parts into a layout for a postcard or any other card and outputting the resultant data, the manipulation for selecting a layout and inserting a part into the selected layout is simplified, and information can be discerned on a display screen, and thus document data of any layout can be processed easily and shortly (see SUMMARY).

Claim 12, CANCELED.

Regarding **Claim 13, Fukui** disclose, said print job creation method.

Fukui does not disclose said print job creation method further comprising the step of:

in response to the user's selection of one image integration area in the template with a built-in image currently placed therein in said step (d) and an image to be newly integrated into the selected image integration area, replacing the built-in image currently placed in the selected image integration area with the selected image

Fukui combined with Nojima discloses said print job creation method further comprising the step of:

in response to the user's selection of one image integration area in the template

with a built-in image currently placed therein in said step (d) and an image to be newly

integrated into the selected image integration area, replacing the built-in image currently

placed in the selected image integration area with the selected image **(Column 4, lines

57-64; Column 5, lines 5-11; and Column 9, lines 10-50)**.

Fukui and Nojima are combinable because they are both from the same art of

methods and apparatuses which create and process documents in accordance with a

user's selections in a variety of options.

Therefore, it would have been obvious to one skilled in the art to modify Fukui

with the teachings of Nojima at the time of the invention, so to provide the invention of

Fukui a wider variety of document elements to use within the invention and document

generation process; and further provided more possibilities when displaying the options

to a user. (Column 4, lines 57-64; Column 9, lines 5-10)

Regarding **Claim 16, Fukui** disclose wherein said step (c) sets the priority order

of the at least one image integration area according to a positional sequence of an

upper end and a positional sequence of a left end of each image integration area in the

selected template **(See Figures 3, 10A – 10B, 11A – 11C, 17A – 17B, 19, 20 and 8;

Column 8, lines 28 – Column 9, lines 18)**.

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to JONATHAN R. BECKLEY whose telephone number is

(571)270-3432. The examiner can normally be reached on Mon-Fri: 7:30-5:00 EST

(Alternate Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, TWYLER L. HASKINS can be reached on (571)272-7406. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jonathan R Beckley/
Examiner, Art Unit 2625

/Twyler L. Haskins/
Supervisory Patent Examiner, Art Unit 2625